



TOWN OF NEW WINDSOR
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OFFICE OF THE PLANNING BOARD

WEDNESDAY — JUNE 13, 2007 - 7:30 PM

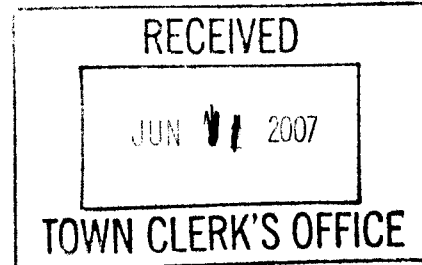
TENTATIVE AGENDA

CALL TO ORDER

ROLL CALL

ANNUAL MOBILE HOME PARK REVIEW:

- a. Cintron Mobile Home Park
- b. Hudson View Mobile Home Park
- c. Paradise Mobile Home Park



REGULAR ITEMS:

1. **GATEWAY MEDICAL PLAZA (WILLIAM HELMER) SUBDIVISION (06-29)**
Rt. 300 (Gateway Industrial Park) – Proposed 2-lot commercial subdivision
2. **HAIG SARKISSIAN LLC SITE PLAN (06-30)** Rt. 300 (Gateway Industrial Park) – Proposed 10,000 s.f. medical office building
3. **BABY YOUR BABY PET GROOMING (07-16) RT. 300 (SHOOK)** Proposed pet grooming salon to replace powder coating business.
4. **JOSEPH FUMAROLA (07-17) RT. 207 (YANOSH)** Proposed two-lot residential subdivision.

DISCUSSION

5. **MASER CONSULTING – ORLEANS CONTRACTING – STATION ROAD LANDSCAPING**

ADJOURNMENT

(NEXT MEETING – JUNE 27, 2007)

June 13, 2007

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TOWN OF NEW WINDSOR

PLANNING BOARD

JUNE 13, 2007

MEMBERS PRESENT: JERRY ARGENIO, CHAIRMAN
NEIL SCHLESINGER
HENRY VAN LEEUWEN
HOWARD BROWN
HENRY SCHEIBLE

ALSO PRESENT: MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

MICHAEL BABCOCK
BUILDING INSPECTOR

MYRA MASON
PLANNING BOARD SECRETARY

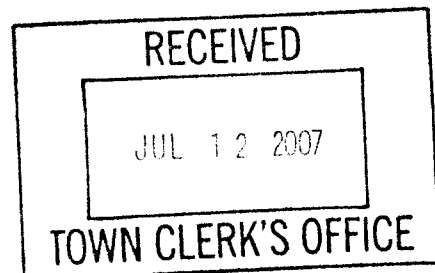
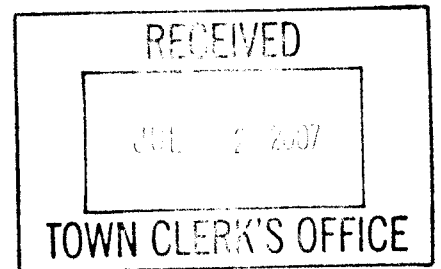
DOMINIC CORDISCO, ESQ.
PLANNING BOARD ATTORNEY

ABSENT: DANIEL GALLAGHER

REGULAR_MEETING

MR. ARGENIO: I'd like to call to order the June 13, 2007 meeting of the New Windsor Planning Board. Please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)



ANNUAL_MOBILE_HOME_PARK_REVIEWS:

CINTRON_MOBILE_HOME_PARK

MR. ARGENIO: Cintron Mobile Home Park is first. Someone here to represent this? Would you come forward sir? Please give your name and your address for the stenographer.

MR. NUNZIATO: Frank Nunziato, 97 Cedar Avenue, New Windsor, New York.

MR. ARGENIO: Mike, has somebody from your office been out to see this mobile home park?

MR. BABCOCK: Yes, we have, Mr. Chairman, everything is fine now.

MR. ARGENIO: Have you brought a check made out to the Town of New Windsor for \$140?

MR. NUNZIATO: Yes, I have.

MR. ARGENIO: I'll accept a motion that we extend special use permit.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board extend the special use permit for the Cintron Mobile Home Park. If there's no further discussion from the board members, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE

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MR. SCHEIBLE	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

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HUDSON_VIEW_MOBILE_HOME_PARK

MR. ARGENIO: Hudson View Mobile Home Park. Is somebody here to represent that? How are you, ma'am? Can you give your name and your address to Franny please?

MS. CORNELL: June Cornell, 3144 Route 9W, New Windsor, New York 12553.

MR. ARGENIO: Mike, has somebody from your office been out to visit?

MR. BABCOCK: Yes, we have, everything's fine there also.

MR. VAN LEEUWEN: Two in a row.

MR. ARGENIO: I'll accept a motion we offer them extension of the permit.

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board offer the Hudson View Mobile Home Park one year extension of their special use permit. If there's no further discussion from the board members, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. SCHEIBLE	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Do you have a check?

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MS. CORNELL: Yes.

MR. ARGENIO: Make sure the minutes reflect that Neil's phone rang in the middle of a vote. Thank you, ma'am.

PARADISE_MOBILE_HOME_PARK

MR. ARGENIO: Paradise Mobile Home Park. Somebody here to represent this? I assume you see a pattern here. Sir, could you give Fran your name and address?

MR. MANIX: Ken Manix, Paradise Mobile Home Park, Route 9W, New Windsor.

MR. ARGENIO: Mike, has somebody from your office been out to see that?

MR. BABCOCK: Yes, we have, and everything's okay there also, Mr. Chairman.

MR. ARGENIO: Do you have a check for \$190?

MR. MANIX: Yes.

MR. ARGENIO: I'll accept a motion.

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board offer a one year extension to the Paradise Mobile Home Park. No further discussion, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. SCHEIBLE	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Thank you for coming in again, sir.

REGULAR_ITEMS:

GATEWAY_MEDICAL_PLAZA_(WILLIAM_HELMER)_SUBDIVISION_

(06-29)

Mr. William Helmer appeared before the board for this proposal.

MR. ARGENIO: There's two applications here, the first one is the subdivision and the second one is the actual site plan for the medical building. I'm sure you folks remember we had quite a discussion about this at our last meeting and I gave our attorney specific instructions to do some research and I'm going to turn to him now and ask Dominic what are the results of the leg work that you did for this board, Dominic, can you share some thoughts with us please?

MR. CORDISCO: Of course. Not only was it important to take a look at the historical files in connection with the prior subdivisions but it's also important to understand recent updates in case law and albeit that this was a vote by the planning board with respect to future development in how it relates to Wembly Drive, that vote was not part of an approval and more importantly it wasn't something that was recorded in any deed and there's been recent cases that have clearly stated that conditions such like that are appropriate if they're related to the approval but they have to be in some enforceable form and typically that would take the place of say a restriction that's placed on a deed such as stating that there will be no further subdivision of property until certain conditions were met. That was not done here and so I think in terms of the enforceability of the vote that was previously taken by the board that's an issue that you have to set aside but it doesn't mean that it is the end of the analysis either though because Wembly Drive or Wembly Road still has outstanding issues and so as property's that come back before the board that are directly

related to Wembly improvements to Wembly will be an important point for those properties.

MR. ARGENIO: So I think somebody said this at the last meeting this application needs to stand on its own.

MR. CORDISCO: That's where I was going.

MR. ARGENIO: Separate and distinct from Wembly Drive and we'll get a chance at some point in time to review Wembly Drive under the current standards and as such any of the board members have any questions to what Dominic just said? Is that clear?

MR. SCHEIBLE: At what point in time, I know, all right, do we ever get those roads fixed case closed at what point in time is the answer?

MR. CORDISCO: In connection with Wembly?

MR. SCHEIBLE: Yes.

MR. CORDISCO: Well, I think it really will be driven based on what comes before the board because the board can only react to what's before it.

MR. BABCOCK: When you say roads fixed, Hank, we did ask them, they went down and they cut out the blacktop where the potholes were and they did patch all the potholes.

MR. SCHEIBLE: I took a ride down.

MR. BABCOCK: So it's all been paved to some standards.

MR. SCHEIBLE: Don't get me wrong, I'm not trying to be a--

MR. BABCOCK: I didn't know whether you were there or not.

MR. ARGENIO: I think as far as some kind of global plan, Henry, I think the answer is at some point in time when Wembly Road is proposed for further development I think it's something that we have to take under careful consideration at that time. I want to make sure that on this application we focus on what's being proposed, what's being requested of the planning board and we also take into account the comments that we're required by law to take into account that we receive from other agencies, i.e., DOT and/or County Planning. Neil, you had a question?

MR. SCHLESINGER: I don't want to interrupt, I'm sorry.

MR. ARGENIO: We need to look at the whole package. If you notice comment number 3 I'll it, the chairman is aware of numerous discussions regarding dedication of the Executive Drive as well as the traffic issue as raised by the Orange County Department of Planning, as far as dedication of Executive Drive that will happen by the Town Board, the Town Board will act on that or not act as it were. As far as Orange County Planning goes there has been quite a bit of discussion relative to this project and the traffic up in this area which myself and the members of this board and I'm certain a good quantity of the members of our community are concerned with, Mr. Helmer, would you be kind enough to share with the board members what you're actually, I know what I want to look to Mark not you from an engineering point of view, would you please share with the other board members what we have been discussing in order to satisfy the county request that they made for future development in this area and your discussions with the Department of Transportation?

MR. EDSALL: I think it's important.

MR. ARGENIO: When you're ready.

MR. EDSALL: During my commentary Bill can now post the plan and it will fit into what I'm going to advise the board on. Clearly the Orange County Planning Department had a beneficial comment in this particular case but it was one that didn't escape us before they told us we knew there was a problem out at Gateway and we had been having discussions as to what you might call globally long term, what we can do to try to look toward resolving left turn movements out of Wembly, left turn movements out of Executive which are an absolute nightmare as well as Route 207 when you say problem it's west of the Thruway. When we received the comment from the County Planning Department which didn't make as a condition any specific requirements but said that we should be talking to DOT the chairman and I had already been talking about 207 and some problems for the last couple months and this gave me a wonderful opportunity to discuss to call Glen Bouche (phonetic) from the Traffic and Safety Division out in Poughkeepsie to fly in front of him a concept of a cross-connection and Bill you might as well go ahead and post the plan, a cross connection between an extension of Executive Drive out to the area near the Flannery Animal Hospital opposite the traffic signal, what that cross connection would do is give an opportunity for vehicles that are intending to make a westbound exit to go out to an existing signal that would be modified to make that intersection functional two directions 207 and from Gateway Industrial. As well we said to Bill well that solves Executive but doesn't do a heck of a lot to solve the nightmare of UPS trucks and others trying to exit Wembly. Bill at that point discussed with us a cross-connection between Wembly and the extension of Executive. I faxed up to the state DOT a sketch not nearly as nice as the one Bill has but nonetheless gave the orientation of the road and Glen Bouche indicated that he felt that it was an extremely beneficial improvement, one that could very likely move through the DOT in quick form because it didn't involve a new light but it involved an

improvement on traffic movements and as well we discussed about 207 which is a whole other ball game. The bottom line is we're looking long term, we're not looking just at this one application which will have some impact but really doesn't warrant traffic signal modifications and the like so Bill is gonna speak with you tonight about his obligation or offer to pursue this cross connection, I think it's a long term solution and relative to this specific application the DOT asked that we coordinate with DOT, I have that phone call in fact for the record was on May 22 again with Glen Bouche from Traffic and Safety up in Poughkeepsie and in fact now we have identified long term solution so now the solution would have to be enacted but I think that's something the board can talk to Bill about.

MR. ARGENIO: What are you prepared to do, Mr. Helmer?

MR. HELMER: One of the difficulties we had as you know it's a little bit of an engineering nightmare that comes since 30 years when we started I think way before this was a, that started the subdivision to the south, we now have four entrances onto 300, 207 from Coca-Cola all the way up the original two to the south of us, now we have the one here and the one on Executive Drive so we now have four entrances. And in talking to the state like Mark did they said well, it would be wonderful if you can buy the property and get out there, we think you might however long term look at closing one or two of the roads that go in and out of the park, they don't like two entrances this close for a lot of reasons, you know, so there's going to be now we're negotiating with the Estate of the Sloan family which I understand involves somewhere around 15, 16 people and they're all over the country. You remember Hank from way back when we bought that property?

MR. ARGENIO: That has its own list of challenges.

MR. HELMER: It's a challenge to get them to accept and so forth but we're dealing with them, we're highly hopeful that we can make a deal that would solve the key to getting out by the traffic light, at least it gives us the, on the property where the light is cause this is the only light as you gentlemen know all the way down to Vails Gate, your next light is at 300 going north right parallel with the Thruway, no traffic light in between, well, there's one right where you come up through the Town Hall but that doesn't tie in with anything either on the other side. That's right in the middle of Scenic Technology building and there's no way you're going to wiggle around to get out of there so what we're working on long term and I have also talked to some people at the state and we talked to a traffic engineer about it a little bit and he said long term this is one of the solutions, it might have to be some others because of the other entrances as to how you handle those but this, so if we can procure this property which we're working hard to do at least would allow us to put on the plan some sort of entrance out off of Wembly just to there, not this one across here now because we want to save this to make sure the development if we need ten more feet on this side or that we can bring this higher or lower but this would allow us to get trucks out and turn left regardless of the traffic, as you know, traffic here now is back up almost over the hill and down the other way.

MR. ARGENIO: And you certainly wouldn't want to be investing \$140,000 in a new signal, certainly would be more economical for you to invest 10 or 15 or \$20,000 to modify an existing signal.

MR. HELMER: That's right, the cost of land is very large, that's part of the negotiation, obviously, we, they know we want it, we think there's a solution in this area, regardless, we talked to the state about that so--

MR. VAN LEEUWEN: You bought all the other houses, didn't you?

MR. HELMER: Yes, we own all four houses between the old Sloan Furniture building and the glass building. Our plan is to eventually tear those down and build office buildings.

MR. VAN LEEUWEN: You don't own the Sloan Furniture building?

MR. HELMER: We own the Sloan Furniture building, we own everything from Mr. Sloan's house to the glass building.

MR. SCHEIBLE: Not including the old Crotty Dunn?

MR. HELMER: No, that's this house in here, that's the one.

MR. BABCOCK: That and Sloan's house.

MR. SCHEIBLE: And Sloan's house.

MR. HELMER: Right. Sloan's house, what we're doing we're hoping ultimately all of us it needs a sit down between the town and state and everybody working together because UPS would, all their trucks would come out here, nobody would ever go out going north or going to the west would come out any other road in this whole park, they'd all go all the way around and out here because at most hours of the day you can get out but from 3 to 6 forget it, very difficult, people go out and turn right and they go somewhere and turn around. So we're trying to avoid that and I think what we have come up here with is at least a proposed solution that looks good to everybody, the state, the town and as far as we're concerned something that's workable.

MR. ARGENIO: A lot of people have done a lot of work

on this and I want to just repeat one thing that Mark said, this entrance is not required for the development of this small doctors' building on Executive Drive, that impact is minimal on the global picture but what we're trying to look for is as a town planning board is to plan for the future so we can put things in place moving forward that even if the people sitting up here don't see it to fruition maybe our successors will.

MR. CORDISCO: That's an important point because it's consistent with the recommendations of the County Planning Department in this regard, that's exactly what they asked us to do, that's exactly what we've been doing.

MR. ARGENIO: And we don't always listen to them, do we?

MR. CORDISCO: Well but if you don't, you know, you'd have to override their vote by a super majority.

MR. HELMER: If we can, if they can go forward we have about 17 million dollars in rateables in this park, now this would allow us to build another 25 million in rateables for the town, without, as you know, a pump station we built in there, there are some problems here and there, we have in the file and available for anybody to look at approvals going way back to 1978, '82, all of them with the road section and that was approved and so forth so we'll work with the town to get this thing to the next level.

MR. ARGENIO: Does anybody have any questions on this?

MR. SCHEIBLE: How far away are you from, is that Eugene Sloan, the family?

MR. HELMER: Well, it's the family but it's Warren Sloan immediately and I guess like when we bought originally they're all over the country, his will must

state he gives so much to nieces and nephews.

MR. SCHEIBLE: How many acres are involved in that?

MR. HELMER: It's 2/3 of an acre, pardon this expression, it's a junky house, nobody's lived there for 25 years, he used to to go there to take phone calls from 12:30 to 1:30 every day, that's all he did there.

MR. SCHEIBLE: I think that's a great idea if that could be concluded, I've lived in that neighborhood for over 60 years and I remember coming out of there, you never had to look left or right but now you've got to sit there for 20 minutes before you get out of your driveway.

MR. HELMER: That's the problem as I said starting to the south end there's two roads out of there now, Coca-Cola and beyond Coca-Cola and we built another one and then Executive Drive's another one so we have four exits entrances out of the same park.

MR. ARGENIO: The DOT is certainly looking to close driveway entrances and consolidate them whenever they can, we've seen that for years here they're looking to consolidate.

MR. SCHEIBLE: Has the DOT ever said anything about the little spur when you go up 207 on the right-hand side closing that off? Just curious.

MR. HELMER: That goes right opposite, you mean the one that slivers over here to go to the right? The DOT promotes and all this traffic engineering right angle intersections because they don't like, people don't like, they side swipe each other, so I would think down the road. With the traffic on 300 something is going to happen with that road.

MR. ARGENIO: At this point, the DOT over time who knows what's in the future, turning lanes possibly, who knows.

MR. SCHLESINGER: I compliment everybody who's come up with this plan, it's a long term plan but it's a no-brainer as far as I'm concerned. The other I don't want to beat a dead horse but one thing that I'm concerned about in regard to what we first started talking about when we opened up this application this evening is that we all are aware that there's a problem on Wembly Road due to some sort of neglect and I know that your application has nothing to do with Wembly Road that you stand on your own, the merits of your application, however, I wouldn't want anything to impact an existing problem much like it's our job, we owe all the residents in this town fiduciary duty to protect them to any other problems or creating any, making any other problem worse and I think that the tenants that exist on Wembly Road have a problem and that I would hope that the immediate work, the work that's in the near future has no impact on or any problems on Wembly.

MR. HELMER: No and I think Wembly has been improved greatly by you.

MR. ARGENIO: I want Mark to comment at the way this Executive Drive package impacts Wembly, I'd like him to address that.

MR. EDSALL: I agree with Neil that we have to be careful not to have any improvements that may seem wonderful on the surface exacerbates another problem. The Wembly Drive situation will obviously have to be resolved before the cross connection can be put in so timing wise we need to I believe come up with some concept on when the Executive Drive extension will be connected into the signal or when it will be proposed assuming Bill's successful in obtaining the lot and

also when we feel the cross connections needed between Executive and Wembly and at that point the trigger on fixing up Wembly is there, it's got to happen.

MR. ARGENIO: Bill, let me ask you kind of an off the cuff question. What do you think the timing is for something like that connection happening, is it 20 years or is it five years?

MR. HELMER: No, no, no, you know, this frontage now is becoming more valuable as you know because of what's going on but we have turned down you got to realize at least 20 people that want to buy an acre or two for, you know, you name what and we've said we want to stick with offices up along 300 and 207 and warehousing and distribution down below so, you know, I have an offer a week now for one of these houses to build something and we've turned that down.

MR. ARGENIO: So the marketplace is a good marketplace.

MR. HELMER: Yeah which it hasn't been in a long time as you know residential for the last 20 years was pretty hot, you couldn't give away this land, I mean, I have this land listed for a \$100,000 an acre, never got an offer and I'm paying \$250,000 for a house lot, so you've got to understand what's happened here now with Stewart and some other things happening, that's why I said this has got some potential to bring the town some real rateables.

MR. ARGENIO: To answer my original question.

MR. HELMER: I think three to five years it's got to be done, I've got two offers on the table to sell the whole park, I'd just as soon stick with it because everything we build has been pretty good, we have UPS, we have the office building, we have the Mt. Ellis Paper and Gateway.

MR. EDSALL: Would it be reasonable, I'm asking Bill, we know Executive is going to continue to be discussed and it's going to be in front of the Town Board for dedication and again when you say you have two offers to sell the whole park it makes it more important for us to--

MR. HELMER: I'm not going to sell it.

MR. EDSALL: I know but we don't know what could happen, it's important for us to get something memorialized even if it's in concept and an obligation is it reasonable that the Town Board could have a developer's agreement with you at such time that Executive is dedicated that would bond the cross connection and would obligate you to construct something of the same configuration? Obviously, the road may slide, is that something that would be reasonable?

MR. HELMER: We have some bonds up now, Myra's said they go way back, we've been renewing them every year for 30 years, 25 years. What we need to do I have this document which was executed by the town in 1995, we need to have a meeting with a workshop with the town to resolve this issue that takes care of Executive Drive the improvements of it and the ability to dedicate it.

MR. EDSALL: That's why I'm keying the two of them together.

MR. HELMER: That happens we can move on with the next problem.

MR. EDSALL: I don't know that this cross connection and bonding are something that's an appropriate condition for what's before this board, but it could be something the Town Board could deal with as a developer's agreement when you take Executive we also get an obligation to do what you're telling us and also

get a bond. So if you decide to move to Key West and the weather's a lot better somebody who buys the lot from you--

MR. HELMER: I've lived through it 30 years, I want to see it finished. So does Myra.

MR. EDSALL: We need to get something.

MR. ARGENIO: Do you agree with that request?

MR. HELMER: Yeah, we'll work hard, everybody has been working on it, we've been calling the attorneys involved with the estate telling them we want last shot at it, I don't see, you know, this industrial park is minimum 2 acre lots and I don't see them building much on it if they sell it to somebody else, you guys go to improve a medical building that's wall to wall there I don't see that happening because it's 2/3 of an acre.

MR. ARGENIO: The problem is Bill I've not been around the block as many times as you just by virtue of my age and experience but I certainly have seen crazier things happen in my limited time here, just unbelievable some of the things that happen. Okay, Mark?

MR. VAN LEEUWEN: I think a good way to put this, okay, you work with us and we'll work with you.

MR. HELMER: And I will.

MR. VAN LEEUWEN: Well you haven't done that in the past, let's get on the ball.

MR. HELMER: We have struggled here, I've started this project and I got hell.

MR. VAN LEEUWEN: I was here when you started the project when we first approved it.

MR. HELMER: Building a pump station that the town was going to build for me that never got built, we've put in drainage structures, put in the pump station.

MR. ARGENIO: You know what, it's moot, I don't want to get into it, it's moot so let's--

MR. HELMER: We want to move on.

MR. ARGENIO: Correct, correct, so here we are. Let's take a look at this. There's some on the subdivision application there are some things here that Mark has that are engineering issues, I'll read this. The road construction details have been revised and now does not conform to Town Code, that's a pretty generic thing that needs to be cleaned up. Pavement should be--

MR. HELMER: Could I just address that?

MR. ARGENIO: Certainly.

MR. HELMER: Our subdivision approval for that road in the town's specifications for that road in 1995 was one layer of eight inches of base, four inches of binder, two inches of top.

MR. ARGENIO: Unless I'm mistaken, Mark, are we talking about new construction here?

MR. EDSALL: Yeah, the new construction.

MR. HELMER: The extension of Executive Drive.

MR. ARGENIO: Not talking about what's there now.

MR. EDSALL: What's there is there, anything new you build has to meet the law now.

MR. ARGENIO: We're talking about the detail for the new piece of road.

MR. HELMER: Extension from here to here.

MR. EDSALL: That's all, yes.

MR. CORDISCO: And the construction details have to reflect the current code.

MR. HELMER: And I have the drawing six copies of them cause our engineer tried to talk to you, I have them here to give you that show it.

MR. EDSALL: I'll review them if they reach conclusion I'll be looking at them before they're stamped.

MS. MASON: Let me have all of of them.

MR. HELMER: No, they faxed the details to you for approval I think about a week and a half ago.

MR. EDSALL: Didn't see it.

MR. ARGENIO: The message is pretty basic, the new road construction for the new construction needs to meet the current town road standards, I'm sure, what's your name again?

MR. OLSEN: John Olsen.

MR. ARGENIO: I'm sure Mr. Olsen is aware of that, that's pretty basic. You have a catch basin detail there as well that does not conform to Town Code which needs to be revised, again, not a big issue but it's and again, this applies to the new construction. Mark's office has accepted the SWPPP and John is it in your office that revised that?

MR. EDSALL: Yes.

MR. ARGENIO: He's reviewed that and he's quite a

stickler for details and that's in its final form and is acceptable.

MR. EDSALL: Mr. Chairman, on the drainage the only other issue the board asked us to look at was the current situation with the triple culvert going to I believe Bill what you call the ICOS (phonetic) property which is that back property, that triple culvert is really not needed because access to that lot is not needed at this time. If that culvert situation was modified if the sections were pulled out and then ultimately when it's developed a new system will be put in that would eliminate a back water that's currently occurring not only towards this project but also through the trapezoidal channel that runs through the Gateway Industrial Park. So it's my suggestion and having already spoken with Bill and he said he'd be willing to if he had to pull out a culvert to make the problem go away he'd do it.

MR. ARGENIO: That goes directly to the issue that Neil had brought up earlier about the drainage issue down there.

MR. HELMER: I met with Greg Shaw, got it on his plan and design and we put on here we can actually bypass that or take the pipe out that was approved as I said by the town to put in years ago and the invert is right or the new drainage we put in but what happens is you get heavy storms, some trees fall, some limbs go down and it backs it up, it's three pipe culverts rather than an open.

MR. ARGENIO: So as an additional requirement of approval you'd agree to pull those culverts out?

MR. HELMER: Either pull out or bypass.

MR. EDSALL: The difficulty is there's a bypass, it really wasn't built right, the other problem with the

bypass the natural flow pushes the debris to the sides and the bypass gets obstructed. If we take the culverts out--

MR. ARGENIO: Are you going to take them out?

MR. HELMER: Either way you want, doesn't matter, it's not a big deal.

MR. ARGENIO: Okay that hopefully will remedy it.

MR. HELMER: All of this was put in exactly to the design, the thing that didn't happen here is the owner of Mt. Ellis Paper didn't give the proper easement to the town so that the drainage is larger in structure than the easement.

MR. ARGENIO: Let's not get twisted up about that. Mark feels that removal of those culverts or some portion of the culverts will relieve the problem that you have there.

MR. HELMER: It will help, it won't stop it a hundred percent because the loading dock is a very big, flat area.

MR. ARGENIO: I've been there five times the past month and the building is very, very low.

MR. HELMER: It's a couple feet too low.

MR. EDSALL: The culvert removal will move toward helping the problem lessen.

MR. ARGENIO: Mike can verify this, we have the same problem over at Shop Rite with that grate.

MR. BABCOCK: That's where this water's going.

MR. ARGENIO: Every two years, George, what's the road

in the back there behind Shop Rite that goes to the apartments?

SUPERVISOR GREEN: Vails Gate Heights.

MR. ARGENIO: It's under water if they don't clean the grate it's under water so I certainly agree with your findings, Mark.

MR. BABCOCK: Yeah, it needs to be removed and I tell you why because once it does get collected and it takes a very long time to get somebody here when I call you and get the backhoe in this area.

MR. ARGENIO: That will be a condition of approval. Does anybody have anything else on this subdivision? Mark, am I missing anything procedurally?

MR. EDSALL: No, we have and I appreciate Bill's cooperation, we really--

MR. ARGENIO: I certainly do.

MR. EDSALL: --worked hard to get this moving forward.

MR. ARGENIO: I certainly do too, Mr. Helmer, we appreciate your cooperation.

MR. HELMER: Well, like Henry says we'll work together to get it done.

MR. ARGENIO: Motion.

MR. CORDISCO: Mr. Chairman, actually four votes the board should take tonight if you're considering approving the subdivision, first one would be adoption of the negative declaration, second one would be for preliminary approval.

MR. ARGENIO: I'll accept a motion for negative dec.

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board declare negative dec on the William Helmer minor subdivision Gateway Industrial Park. If there's no further discussion from the board members, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. SCHEIBLE	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. CORDISCO: I will prepare a negative declaration.

MR. ARGENIO: I'm certain you will. What's the next procedure?

MR. CORDISCO: Granting preliminary subdivision approval.

MR. ARGENIO: I'll accept a motion we grant preliminary subdivision approval.

MR. VAN LEEUWEN: So moved.

MR. SCHEIBLE: Second it.

MR. ARGENIO: Motion has been made and seconded to grant preliminary subdivision approval for Bill Helmer subdivision Gateway Industrial Park. No further discussion, roll call.

ROLL CALL

MR. SCHLESINGER AYE
MR. BROWN AYE
MR. SCHEIBLE AYE
MR. VAN LEEUWEN AYE
MR. ARGENIO AYE

MR. CORDISCO: Next one would be given the fact that the plans are in near final form and they need to be only slightly modified you could move on directly to conditional final approval but before you do that you would have to waive the discretionary public hearing on the final plat.

MR. VAN LEEUWEN: So moved.

MR. CORDISCO: Waive the final plat here.

MR. VAN LEEUWEN: Make a motion.

MR. SCHEIBLE: Second it.

MR. ARGENIO: Motion has been made and seconded that we waive our discretionary public hearing on this application. If there's no further discussion, roll call.

ROLL CALL

MR. SCHLESINGER AYE
MR. BROWN AYE
MR. SCHEIBLE AYE
MR. VAN LEEUWEN AYE
MR. ARGENIO AYE

MR. CORDISCO: One last one and that would be to grant conditional final subdivision approval, the conditions would be of course that the plans are revised to address Mr. Edsall's comments and also that a bond be provided, bond estimate in particular be provided prior

to signature on the final plat.

MR. ARGENIO: And that bond estimate, Mr. Helmer, is relegated to the improvements on Executive Drive, the the acquisition of the house.

MR. EDSALL: That's an actual bond as well because they're public improvements so the Town Board has to take a bond for the public improvements.

MR. CORDISCO: We would specify that in the written resolution. That's all the terms, you need a motion and a second--

MR. VAN LEEUWEN: So moved.

MR. CORDISCO: --granting final approval.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board offer William Helmer subdivision conditional final approval subject to precisely what Mr. Cordisco just read into the minutes. If there's no further discussion from the board members, roll call.

MR. SCHLESINGER: Does this have anything to do with the discussions that we talked about long term plans because there was some intent to have some honorable agreements on that, this is not relative to that?

MR. EDSALL: It's not part of this subdivision but clearly the Supervisor of the Town of New Windsor is here, Mr. Helmer is here and I think it's pretty well understood that when he wants to move forward with the dedication of the Executive Drive portion that was agreed to in 1995 the Town Board is going to be looking for that agreement for the extension and so on.

MR. SCHLESINGER: These minutes highlight it so everybody will be refreshed at the time of the dedication to know what the intent was of everybody based upon the conversations at this meeting.

MR. EDSALL: I won't forget.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. SCHEIBLE	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. CORDISCO: I misrepresented, there's one additional vote if the board would kindly just authorize the chairman to sign the resolutions that I prepared that reflect your prior votes then I think we've got a full deck.

MR. ARGENIO: I'll poll the board. Neil, will you authorize me to sign that when it's prepared?

MR. SCHLESINGER: Repeat that one.

MR. CORDISCO: I will prepare written resolutions that say everything that you just did and so that there's a firm record.

MR. ARGENIO: Howard, will you authorize me to sign that?

MR. BROWN: Yes.

MR. ARGENIO: Hank Scheible, will you?

MR. SCHEIBLE: As long as our legal and engineering and planning all agree to it I say yes.

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MR. ARGENIO: Mr. Van Leeuwen?

MR. VAN LEEUWEN: I don't know but I guess I'll go along with it.

MR. ARGENIO: Great, thank you, Dominic.

MR. HELMER: Thanks, gentlemen.

HAIG_SARKISSIAN_LLC_SITE_PLAN_(06-30)

MR. AREGNIO: Haig Sarkissian LLC site plan. This application proposes development of the 2.2 acre lot of the related subdivision 10,000 square foot medical and professional office building. The plan was previously reviewed at the 8 November, 2006 meeting, 10 January, 2007 meeting, 23 May, 2007 board meeting. The applicant is here tonight looking for approval.

Mr. Olsen appeared before the board for this proposal.

MR. ARGENIO: Mr. Olsen, we've seen this quite a few times, I think we're through the meat of this but certainly tell us, what highlight for us what changes you've made and what you've done to bring your plan up to conformance with Mark's comments please.

MR. OLSEN: The comments from the last meeting were apparently minor and all technical in nature, they were regarding the design of the outlet structure in the pond, Zimmerman Engineering has made all those technical changes, I brought the plans over to Joe Sawarski (phonetic), he reviewed them and I believe that he's satisfied that we have met all those requirements.

MR. ARGENIO: Mark, I'm going to assume you agree with that inasmuch as your comments are very limited in nature?

MR. EDSALL: For the record, the drainage issues are identical application to the application, we reviewed it as one entity, although it's two applications and since the subdivision has made obligation to rectify some issues, I think the site plan now is a hundred percent compliant.

MR. ARGENIO: Wow, you don't see that every day.

MR. OLSEN: Took us long enough but we worked on it. I want you to see our preliminary architectural and I also want you to understand that the gentleman that's been here in the past, Haig Sarkissian, he's one of the owners of the property along with his wife, Mary Davidian (phonetic), she's an ophthalmologist in Highland, ophthalmology in Newburgh, it's a practice she's built up over many years, this is their building it's not a building that's being built by a developer to throw it up as quick and cheaply as possible and sell it off to somebody else rents it out, they're going to be here for many, many years to come. This is their face in the community, this is for their clients and the reason that I'm working for them is because they want this building built as well as it can be built and something that they can be proud of and they're spending a lot more money than they need to for a medical office.

MR. ARGENIO: Which drawing is the domestic water drawing?

MR. OLSEN: The domestic water is shown on should be number 2 of 6, we have four inch proposed sprinkler line coming into the building, I don't think domestic is shown, we have an inch and a half copper domestic that's going to be taken off the four inch sprinkler line at the building entrance.

MR. ARGENIO: Why wouldn't they do that, isn't that odd?

MR. EDSALL: No, there's along the way, cause I don't remember reviewing with John Agido the utility plan and I don't know why that got dropped but the connection is readily available.

MR. ARGENIO: Go ahead.

MR. OLSEN: So basically this is our preliminary

architectural, it's going to be a brick veneer building outstanding seam metal roof, 10,000 square feet, this is going to be the 6,000 square feet is going to be the owner's suite and then the other 4,000 feet is going to be probably divided in half and rented out to other hopefully medical practices. Regarding the traffic although that issue has been resolved we provided a breakdown of the traffic that occurs at, that we anticipate will occur here, very minor, it's very irregular spread evenly over the course of a day, patient every 15 minutes for four doctors and a fairly limited staff.

MR. ARGENIO: I want to read something to you, 5/17/2007 municipal fire, needs to add a Class A fire hydrant on the west side of the entrance.

MR. OLSEN: Yeah, we were at the last workshop with Mr. Edsall and the one of the representatives from the fire department was there and we had discussed that it has been in comments, letters previous to that which is why it hasn't been put in, we have no problem, we talked about the exact location if we're going to put in right here in this little curved area it's going to be very close to the fire department connection, he was satisfied with that but that just occurred a few days ago so it hasn't made it on to the plans yet but we're going to do that, that will be a condition.

MR. ARGENIO: Mark, I already asked you. Do you guys have anything, my fellow members?

MR. VAN LEEUWEN: We've seen this a couple times, the thing that was really we didn't like was the landscaping.

MR. ARGENIO: They seemed to have changed that as well.

MR. OLSEN: That was on one of the previous comments and we did redesign the landscaping to meet the

requirements on that letter.

MR. VAN LEEUWEN: I'd like to move that we declare negative dec.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board declare negative dec for the Gateway Medical Plaza application under SEQRA process. No further discussion from the board members, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. SCHEIBLE	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Dominic, any other formalities that I'm missing?

MR. CORDISCO: No, sir, everything else has been procedurally met. The only next thing to do is to grant site plan approval.

MR. VAN LEEUWEN: So moved, Mr. Chairman.

MR. SCHLESINGER: Second it.

MR. EDSALL: Just so the record on this issue is complete, the Planning Department also commented I believe they included the same DOT issues so for the reference the minutes will reference back to the prior discussion.

MR. ARGENIO: Yes. Motion has been made and seconded that the Town of New Windsor Planning Board for Gateway

Medical Plaza site plan final approval subject to the location of that proposed fire hydrant in conformance with what Mr. Agido and Mr. Edsall require and Mr. Bedetti, he's the fire marshal. If there's no further discussion, roll call.

MR. EDSALL: Bond estimate.

MR. ARGENIO: And the bond estimate. I'll have a roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. SCHEIBLE	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. CORDISCO: Mr. Chairman, I will prepare once again written resolutions and provide that to you for signature.

MR. ARGENIO: That will be fine.

BABY_YOUR_BABY_PET_GROOMING_(07-16)

MR. ARGENIO: This application proposes a pet grooming operation at the existing residence. The application was reviewed on a concept basis only. Somebody here to represent this? Please come forward, ma'am, give Franny your name and address.

MS. SHOOK: Joy Shook, 314 Temple Hill Road, New Windsor.

MR. ARGENIO: I believe this is the location for those members that were here at the time where the gentleman had a powder coating business in the garage, if I remember correctly, Mike, is that right?

MR. BABCOCK: Yes, that's correct, Mr. Chairman.

MR. ARGENIO: I guess you want to have a dog grooming business?

MS. SHOOK: Yes, I want to move my existing business to that location.

MR. ARGENIO: Where is your business now?

MS. SHOOK: 357 Windsor Highway, New Windsor, I've been there for 13 years.

MR. ARGENIO: So you'd be a tenant or you own the property?

MS. SHOOK: I own the house now, I bought it, yes.

MR. ARGENIO: How does the code speak to that, Mike?

MR. BABCOCK: Yeah, the zoning that's what we're saying it was a commercial use before.

MR. ARGENIO: Different commercial use?

MR. BABCOCK: Yes.

MR. EDSALL: They would be classified as a home professional office and why it is important that that would fit is that because the operation is occurring in an accessory building from the residence the distinction is important because the home professional office does allow that to happen. The other thing that Miss Shook was looking for is the ability to have possibly one employee, the home occupation doesn't allow that and her particular case with it being classified as home professional office they can employ one person. So there are some flexibilities that will fit in exactly what her desire was and in fact the code allows it.

MR. ARGENIO: Mike, did you get any complaints when they had the powder coating business?

MR. BABCOCK: No.

MR. ARGENIO: This is more formality.

MR. EDSALL: The only down side of a home professional office it's a special permit and requires a public hearing but it's one hurdle to jump over.

MR. ARGENIO: Informally I want to go around the room, does anybody have a problem?

MR. SCHLESINGER: I have a question. There are other residences nearby?

MS. SHOOK: There's one next door to me, yeah, I spoke to the man, he said he would write a letter if need be.

MR. SCHLESINGER: Are you going to do any boarding?

MS. SHOOK: No way.

MR. SCHLESINGER: And I'm familiar with the property, I know you have a big, it's on the plan a big chain link fence so in my mind I'm thinking that you may keep dogs outside while there are people waiting to be picked up.

MS. SHOOK: Just my dogs.

MR. SCHLESINGER: That's why powder coating there's no barking. With animals there could be possibly a nuisance.

MR. ARGENIO: Neil, keep in mind this is a special use permit so she'll be visiting us annually, so if there's a problem we'll have a chance to address it. Did I misspeak?

MR. EDSALL: It doesn't have to, if there's a reason you want to impose a renewal you can.

MR. BABCOCK: We can invite her in any time.

MR. ARGENIO: We certainly have done that before with other applications.

MR. SCHLESINGER: There's not ten families living right next door.

MS. SHOOK: No.

MR. SCHLESINGER: One house that's next to yours is to the right?

MS. SHOOK: He's to the left, facing my house, no, you're right, he's to the right.

MR. SCHLESINGER: To the left.

MS. SHOOK: It's just a lot.

MR. BABCOCK: I think it's the Cantonment, isn't it?

MS. SHOOK: There's a house way on the hill, yeah, no, it's pretty far from my house.

MR. SCHLESINGER: Parking is no problem?

MR. EDSALL: No, she submitted a site plan, the site plan shows some parking and there's room to turn around on the property to turn around so you don't have to back out onto the highway.

MR. BROWN: Nothing, no, I've visited her when she was on Windsor Highway and the operation is run very, very neatly so I assume she's going to run the business in the same way over here.

MR. ARGENIO: Hank squared?

MR. VAN LEEUWEN: I have no problem with it.

MR. SCHEIBLE: Since there's, since it's a not a highly residential area I see no problem with having just like you said if you're not going to board other dogs there all the same time just in and out, in other words, they bring them in in the morning, they pick them up in the afternoon.

MS. SHOOK: Yes, right.

MR. BABCOCK: It's a mandatory public hearing so the neighbors will have a chance.

MR. ARGENIO: That's what I said.

MR. VAN LEEUWEN: Motion for public hearing.

MR. ARGENIO: Mark, is that what we need to do authorize public hearing?

MR. EDSALL: Yes, we'll refer it to Orange County Planning cause again County Planning requires it cause it's on a state highway. We'll get that moving.

MR. ARGENIO: Anybody second that?

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded we schedule a public hearing for Baby Your Baby Pet Grooming site plan. No further discussion, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. SCHEIBLE	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Ma'am, you have to go through a public hearing process, it's the law, we don't make the law, we abide by the law so we'll have the public hearing. I don't think there's any anomalies here and hopefully you'll be off to the races.

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JOSEPH_FUMAROLA_(07-17)

MR. ARGENIO: Joseph Fumarola. This application involves subdivision of 6.11 acre parcel into two single family residential lots. Plan was reviewed on a concept basis only. Somebody here to represent this? We'll move on.

DISCUSSION

MASER_CONSULTING

MR. ARGENIO: Folks, this is the Orleans subdivision out near Neil's house and my house. As you recall, they cut down a bunch of trees. We required that they give us a drawing, a sketch of how they're going to modify in a handsome fashion their entrances to make up for the trees that they cut down. They gave us a drawing, it was a crummy little 8 1/2 x 11 that was cut off on one side, some of the members took exception to it. At this point tonight Maser has prepared a proper plan, we're here to look at it, it's a discussion item, I've seen it, I think Neil, I think you've seen it. Did I share it with you?

MR. BABCOCK: He has some smaller ones.

Mr. Justin E. Dates of Maser Consulting and Mr. Kevin Moran of Orleans Home Builders appeared before the board for this proposal.

MR. MORAN: The shaded areas that's the area of the existing hedge row that was cleared out. Basically what we propose to do is put similar natural type material back into that to re-form that hedge row so there's maples, oaks, some black burnams (phonetic), you know, shrubbery that's typically found within a hedge row.

MR. ARGENIO: You're not going to inhibit the sight distance, correct?

MR. MORAN: Correct, as you can see the portion of hedge row is about just through this section this yellow section is the entrance details landscaping.

MR. ARGENIO: Do you have a detail of those entrances?

MR. MORAN: Yes.

MR. ARGENIO: I point out to the members as well the drawing on the easel to the right they don't show any improvements but they're going to do improvements in that entrance on the right, is that correct, sir?

MR. ORAN: Yes, this is the entrance at Brandy Wine, what we're proposing similar type landscaping to the entrance of--

MR. ARGENIO: How is that Neil?

MR. SCHLESINGER: Where is this on your plan again?

MR. MORAN: That's these yellow.

MR. SCHLESINGER: When you pull out of Brandy Wine Road make a left turn that's where your sales office is at the present time?

MR. MORAN: Yeah, the trailer's parked in this location.

MR. SCHLESINGER: And you probably have a good, I don't know 75, 100 foot frontage there that's wide open and after you sell all your units and you don't need your sales office anymore what are you going to do over there?

MR. BABCOCK: That's a lot that the house is being built on.

MR. MORAN: Yes.

MR. SCHLESINGER: Where the sales office is part of that lot where the house is on also?

MR. BABCOCK: That's correct, it's the model home.

MR. MORAN: This is the actual model.

MR. SCHLESINGER: Today I saw there's a little gravel path going to the sales office cause obviously that's going to be your sample home but now you're going to be left with a big lot there, I guess is that going to be up to the future homeowner of that lot to landscape that area?

MR. DATES: The plan that's shown here right now what's proposed is the landscaping out in front of this house, there are existing trees that were left in front of the--

MR. SCHLESINGER: Move your hand, right where your finger was there, right there to your left or my left that way right there, there was some pieces left there on each side of that parking lot which is a parking lot now, is there any plans to fill in that area at all?

MR. MORAN: We would be glad to add a few trees in that area if need be.

MR. ARGENIO: Fine with me. Neil, I got to tell you I think they've done a great job, they went further than what I expected.

MR. SCHLESINGER: Well, we wouldn't have to be here if we didn't have a problem, that's all so, you know, make a mistake, we correct it, we all make mistakes so if you guys are willing to, you know, this looks great, that looks fine, put a couple trees in where the parking lot is now I'm happy.

MR. MORAN: You're saying now or after the trailer's removed?

MR. SCHLESINGER: Yeah, yeah.

MR. MORAN: Most likely that's going to be done sooner

rather than later because when we do the sample home presentation what we try to do is bring in some more mature trees and we jazz it up pretty good so we'll make sure that there's so focus in that area, there will be a transitional period where that sales trailer has to be pulled out and then we'll finish up that area.

MR. ARGENIO: When are you going to do this?

MR. MORAN: I can do it within I would say within 30 days, the only limitations are just the hardscaping, the actual masonry that has to go up before these trees go in but because I thought this probably would be the best approach, all of this material could go in right away.

MR. ARGENIO: If I were to say it will be complete when I say it I mean the plans that you supplied me with the letter 45 days would that be fair?

MR. MORAN: Yes, absolutely.

MR. ARGENIO: That would be fair? That's good then, you have 45 days to do it. Howard, are you okay with this?

MR. BROWN: As long as it doesn't affect the sight distance I have no problem.

MR. ARGENIO: Dr. Scheible?

MR. SCHEIBLE: Since Mr. Schlesinger and Mr. Argenio are close neighbors and if they like the appearance I have no problem.

MR. MORAN: There was just one thing that I'd like to clarify that area where those trees were removed there was proposed grading in that area to lay that slope back.

MR. ARGENIO: I'm aware of that as well, I don't want to back up too much, I understand that the issue was there was sizable areas that extended perpendicular to Station Road into the site that were not supposed to be cleared and they were cleared, that was the problem, that's what made it problematic, I understand your point, I can read a drawing, I'm not in the construction business, I agree with that, so you do this, you have 45 days to do it. Mike, you'll keep an eye, make sure it's done?

MR. BABCOCK: Yes.

MR. ARGENIO: Because we all want to be on the same page and that's it. Thank you for coming in. Motion to adjourn.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. SCHEIBLE	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

Respectfully Submitted By:

Frances Roth
Stenographer

